

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAMES M. KERNAN,

Plaintiff,

-against-

BENJAMIN M. LAWSKY in his official capacity as
COMMISSIONER OF THE NEW YORK STATE
DEPARTMENT OF FINANCIAL SERVICES, formerly
known as the NEW YORK STATE DEPARTMENT OF
INSURANCE and UNITED STATES OF AMERICA,

Defendants.

STIPULATION OF
DISCONTINUANCE
PURSUANT TO
RULE 41(A)

Civil Case No. 6:11-CV-1212

(FJS)(DEP)

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for all the parties to the above entitled action, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, that the above entitled action be, and the same hereby is discontinued, without costs to either party as against the other. This stipulation may be filed without further notice with the Clerk of the Court.

Dated: December 29, 2011
Utica, New York

KERNAN AND KERNAN, P.C.

by Leighton R. Burns

Leighton R. Burns, Esq., of Counsel

Bar Roll No. 101250

Attorney for Plaintiff

Address and Post Office Address

185 Genesee Street, Suite 1401

Utica, New York 13501

Telephone: (315) 797-8300

Dated: January 4, 2012
Syracuse, New York

ERIC T. SCHNEIDERMAN
NEW YORK STATE ATTORNEY GENERAL

by Timothy P. Mulvey
Timothy P. Mulvey, Esq., of Counsel
Bar Roll No. 510757

Attorney for Defendant Benjamin J. Lawskey
Address and Post Office Address
Office of the Attorney General
615 Erie Boulevard West, Suite 102
Syracuse, New York 13204

Dated: December ___, 2011
Syracuse, New York

RICHARD S. HARTUNIAN
UNITED STATES ATTORNEY

by Paula Ryan Conan
Paula Ryan Conan, Esq., of Counsel
Bar Roll No. 102506

Assistant United States Attorney
Attorney for Defendant United States of America
Address and Post Office Address
Office of the United States Attorney – Syracuse
100 South Clinton Street, P.O. Box 7198
Syracuse, New York 13261-7198

Dated: December ___, 2011
Syracuse, New York

SO ORDERED:

HON. FREDERICK J. SCULLIN, JR.
SENIOR UNITED STATES DISTRICT JUDGE